

EXHIBIT 1

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

JUAN LOPEZ,
*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

Case No.: 1:20-cv-09113

-against-

THERMO TECH MECHANICAL, INC.,
GOWKARRAN BUDHU, and SHANTI BUDHU,

**NOTICE OF LAWSUIT
REGARDING WAGES**

Defendants.

Please read this notice if you are or were employed as a non-exempt employee (including but not limited to HVAC installation, maintenance, and repair workers) by THERMO TECH MECHANICAL INC., at any time from October 20, 2014, to the present.

A class action lawsuit may affect your legal rights.

A court authorized this Notice. This is not a solicitation from a lawyer.

- Former employee JUAN LOPEZ, (“Plaintiff”) has sued THERMO TECH MECHANICAL INC., GOWKARRAN BUDHU, and SHANTI BUDHU, (collectively, “Defendants”) on behalf of other current and former employees claiming that Defendants failed to pay employees proper wages. In addition, Plaintiff is claiming that Defendants failed to provide proper wage statements and wage and hour notices to employees, in violation of New York State laws.
- Plaintiff is seeking (1) unpaid wages due to time shaving, (2) unpaid wages due to rounding, (3) unpaid wages due to failure to pay prevailing wages on public projects, (4) statutory penalties, (5) liquidated damages and (6) attorneys’ fees and costs.
- The Court has allowed the lawsuit to proceed as a certified class action under the New York Labor Law. The Class consists of all non-exempt employees (including but not limited to HVAC installation, maintenance, and repair workers) who were employed by THERMO TECH MECHANICAL INC., at any time between October 20, 2014, to the present (“Class” or “Class Members”).
- Defendants deny that Plaintiff’s claims have merit and will assert various defenses against those claims.
- The Court has not decided who is right and who is wrong. Your legal rights may be affected, and you have a choice to make now.

Questions? Contact Class Counsel:

C.K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, Eighth Floor
New York, NY 10011
Tel: (212) 465-1180
Fax: (212) 465-1181
E-mail: info@leelitigation.com

- Your options are explained in this Notice. If you do nothing, you will automatically be included in the lawsuit. To ask to be excluded from the lawsuit, you must act before **[60 days from the date notice is sent out]**.
- Lawyers must prove the claims against Defendants. If money or benefits are obtained from Defendants, you will be notified about how to ask for a share.

BASIC INFORMATION

1. Why did I get this Notice?

Defendants' records show that you have worked for Defendants at some time between October 20, 2014, to the present. This Notice explains that the Court has authorized Plaintiff to proceed with a class action lawsuit under the New York Labor Law.

You have legal rights and options that you may exercise. A trial may be necessary to decide whether the claims being made against Defendants, on your behalf, are correct or whether the various defenses to those claims are correct. The Honorable Laura T. Swain, a judge of the United States District Court for the Southern District of New York, is overseeing this lawsuit. The lawsuit is known as *Lopez v. Thermo Tech Mechanical, Inc., et al.*, Case No.: 1:20-cv-09113.

2. What is this lawsuit about?

This lawsuit is about whether Defendants violated the Fair Labor Standards Act ("FLSA"), and the New York Labor Law ("NYLL") by: (1) failing to pay wages due to time-shaving, (2) failing to pay wages due to improper rounding, (3) failing to pay wages due to unpaid prevailing wages on public projects, (4) failing to provide proper wage statements and wage and hour notices as required under the NYLL.

Defendants deny these claims and allege that the employees were properly compensated and should not recover any back wages or damages. More information about the law concerning your rights to minimum wage and overtime compensation can be found at the website of the New York State Department of Labor, www.labor.ny.gov.

3. What is a class action and who is involved?

In a class action lawsuit, one or more people called "Class Representatives" sue on behalf of other people who have similar claims. In this case, the Class Representatives sued Defendants

under the New York Labor Law. For the New York Labor Law claims, people are automatically included in the case – except for those people who choose to exclude themselves from the Class.

4. Why is this lawsuit a Class Action?

The Court decided that this lawsuit can be a class action with respect to the Class Representatives' claims under the New York Labor Law because it meets the requirements of Federal Rule of Civil Procedure 23.

Specifically, without deciding the merits, the Court found that:

- There are a sufficient number of potential class members to proceed as a class action;
- There are legal questions and facts that are common to each member of the Class;
- The Class Representatives' claims are typical of the claims of the Class Members;
- The Class Representatives and the lawyers will fairly and adequately represent the interests of the Class;
- The common legal questions and facts predominate over (are more important than) questions that affect only individuals; and
- This class action will be more efficient than having many individual lawsuits.

More information about why the Court is allowing this lawsuit to be a class action is in the Court's Memorandum Order certifying the class, which can be obtained by contacting Class Counsel: C.K. Lee, Esq., Lee Litigation Group, PLLC, 148 West 24th Street, Eighth Floor, New York, NY 10011, Tel: (212) 465-1180.

THE CLAIMS IN THE LAWSUIT

5. What is Defendants' position?

Defendants deny that they have improperly paid any former or current employees nor that any former or current employees are entitled to any additional compensation or other relief.

6. Has the Court decided who is right?

The Court has not decided whether Defendants or Plaintiff are correct. By establishing the Class and issuing this Notice, the Court is not suggesting that Plaintiff will win or lose the case.

7. What is the Plaintiff asking for?

Plaintiff is seeking to recover from Defendants unpaid wages due to time shaving, unpaid wages due to rounding, unpaid wages due to failure to pay prevailing wages on public projects, statutory damages and liquidated damages. Plaintiff also seeks from Defendants recovery of costs, interest and attorneys' fees.

8. Is there any money available now?

No money or benefits are available now because the Court has not yet decided whether Defendants did anything wrong, and the two sides have not settled the case. There is no guarantee

that money or benefits ever will be obtained. If they are, you will be notified how to ask for a share.

WHO IS IN THE CLASS

You need to decide whether you are affected by this lawsuit.

9. Am I a part of the Class?

The Court decided that all non-exempt employees who were employed by Defendants at any time between October 20, 2014 and the present are members of the New York Labor Law Class.

10. I'm still not sure if I am included.

If you are still not sure whether you are included, you can get free help by calling or writing Class Counsel, Lee Litigation Group, PLLC, at the phone number or address listed on this Notice.

11. Can Defendants fire me or take other action against me because I am a part of this case?

No. Federal law prohibits Defendants from discharging or in any other manner discriminating against any worker for joining this lawsuit.

YOUR RIGHTS AND OPTIONS

You have to decide whether to file the attached Opt-Out Form to be excluded from the Class with respect to the New York Labor Law claims.

12. How do I ask to be excluded from the case?

If you choose to be excluded from the Class for the lawsuit under the New York Labor Law, you have to read, sign and promptly return the Opt-Out form. The form must be sent to:

**C.K. Lee, Esq.
Lee Litigation Group, PLLC
148 West 24th Street, Eighth Floor
New York, NY 10011
Fax: (212) 465-1181**

The form must be postmarked by [60 days from the date of the notice].

13. What happens if I do nothing at all?

If you do nothing, you keep the possibility of getting money or benefits from the New York Labor Law claims. If you stay in the case and Plaintiff obtains money or benefits, either as a result of the trial or a settlement, you will be notified about how to apply for a share (or how to ask to be excluded from any settlement). Keep in mind that if you do nothing now, regardless of whether Plaintiff wins or loses the trial, you will not be able to sue Defendants about the same legal claims

that are the subject of this lawsuit under the New York Labor Law. You will be legally bound by all of the orders the Court issues and judgments the Court makes in this class action.

14. Why would I ask to be excluded?

If you exclude yourself – which also means to remove yourself from the Class, sometimes called “opting out” of the Class – you will not get any money or benefits from this lawsuit even if Plaintiff obtains them as a result of the trial or from any settlement (that may or may not be reached) between Defendants and Plaintiff. However, you may then be able to sue or continue to sue Defendants for the recovery of back wages and other damages. If you exclude yourself, you will not be legally bound by the Court’s judgments in this class action.

If you start your own lawsuit against Defendants after you exclude yourself, you may have to hire your own lawyer for that lawsuit, and you will have to prove your claims. If you do exclude yourself so you can start or continue your own lawsuit against Defendants , you should talk to your own lawyer soon, because your claims may be subject to a statute of limitations.

THE LAWYERS REPRESENTING YOU

15. Do I have a lawyer in this case?

The Court decided that the law firm of Lee Litigation Group, PLLC is qualified to represent you and all Class Members and has been designated as “Class Counsel” in this lawsuit. They are experienced in handling similar cases against other employers. More information about Lee Litigation Group, PLLC, its practices, and its lawyers’ experience is available at <http://www.leelitigation.com>.

16. Should I get my own lawyer?

You do not need to hire your own lawyer because Class Counsel will be working on your behalf. If you do want to hire your own lawyer, you may do so.

17. How will the lawyers be paid?

Lee Litigation Group, PLLC is handling this matter on a contingency basis. In other words, the attorneys’ fees and costs will be determined on a percentage basis based on the recovery on behalf of the Class, and Class Members will not be responsible for fees and/or costs if there is no recovery for the Class. The agreement further provides that in the event that the Class Representative prevails on the claims at the conclusion of the case, Class Counsel will make an application to the Court for the recovery of fees and costs, that the Court has discretion of the amount of fees to award, and that the fees may the higher of (i) $\frac{1}{3}$ of any settlement fund or judgment, or (ii) the hourly lodestar based on reasonable hourly rates as approved by the Court, after the deduction of costs and expenses.

THE TRIAL

18. How and when will the Court decide who is right?

As long as the case is not resolved by a settlement or otherwise, Class Counsel will have to prove Plaintiff's claim at a trial. Any trial would take place in the United States District Court for the Southern District of New York, 500 Pearl Street, New York, NY 10007. During the trial, a jury or judge will hear all of the evidence to help them reach a decision about whether Plaintiff or Defendants are right about the claims in the lawsuit. There is no guarantee that Plaintiff will win, or that Plaintiff will get any money for the employees.

19. Do I have to come to the trial?

You do not need to attend the trial. Class Counsel will present the case for Plaintiff, and Defendants will present the defenses.

Do not call or write the Court or the Clerk's Office with questions.

Dated: New York, New York, _____, 2023

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SOUTHERN DISTRICT OF NEW YORK**

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*on behalf of himself, FLSA Collective Plaintiffs
and the Class,*

Plaintiff,

-against-

Case No.: 1:20-cv-09113

THERMO TECH MECHANICAL, INC.,
GOWKARRAN BUDHU, and SHANTI BUDHU,

Defendants.

OPT OUT FORM

I DO NOT WANT TO JOIN THE LAWSUIT pending in the United States District Court for the Southern District of New York, Case. No.: 1:20-cv-09113, which asserts claims under the New York Labor Law.

Date: _____

Signature

Print Name